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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,100	05/29/2001	Robert L. Spencer	42390.P9902	8505
7590	04/07/2006		EXAMINER	
Chun M. Ng BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025-1026			JONES III, CLYDE H	
			ART UNIT	PAPER NUMBER
			2623	
DATE MAILED: 04/07/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/870,100	SPENCER, ROBERT L.
	Examiner Clyde H. Jones III	Art Unit 2623
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
Period for Reply		
<p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.</p> <ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). <p>Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</p>		
Status		
<p>1)<input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>23 January 2006</u>.</p> <p>2a)<input checked="" type="checkbox"/> This action is FINAL. 2b)<input type="checkbox"/> This action is non-final.</p> <p>3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p>		
Disposition of Claims		
<p>4)<input checked="" type="checkbox"/> Claim(s) <u>1-29</u> is/are pending in the application.</p> <p>4a) Of the above claim(s) _____ is/are withdrawn from consideration.</p> <p>5)<input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p>6)<input checked="" type="checkbox"/> Claim(s) <u>1-29</u> is/are rejected.</p> <p>7)<input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p>8)<input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.</p>		
Application Papers		
<p>9)<input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10)<input checked="" type="checkbox"/> The drawing(s) filed on <u>29 May 2001</u> is/are: a)<input type="checkbox"/> accepted or b)<input type="checkbox"/> objected to by the Examiner.</p> <p style="margin-left: 20px;">Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p> <p style="margin-left: 20px;">Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).</p> <p>11)<input type="checkbox"/> The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.</p>		
Priority under 35 U.S.C. § 119		
<p>12)<input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a)<input type="checkbox"/> All b)<input type="checkbox"/> Some * c)<input type="checkbox"/> None of:</p> <p style="margin-left: 20px;">1.<input type="checkbox"/> Certified copies of the priority documents have been received.</p> <p style="margin-left: 20px;">2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</p> <p style="margin-left: 20px;">3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p>		
<p>* See the attached detailed Office action for a list of the certified copies not received.</p>		
Attachment(s)		
<p>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.</p> <p>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.</p> <p>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6)<input type="checkbox"/> Other: _____.</p>		

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's arguments on pages 9-10 of the 10/25/2005 reply to the non-final action 9/8/2005, the newly added limitations are met by the Harrison et al., Blackketter et al. and Ellis et al. references as described below.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 7-8, 10, 16-17, 19, 20, 26, 27, and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Harrison et al. (US 6,249,914 B1)

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claims 1, 10, 20, Harrison teaches the method (and corresponding, product, and system) comprising:

receiving a digital broadcast signal to a digital television receiver in a first computer (36 fig. 9D) in a first computer (35 – fig. 9D) (col. 4, lines 1-5; col. 4, lines 63-66), wherein the digital broadcast signal includes content (primary data, e.g., TV programming) and enhanced content (associated data) (col. 4, lines 1-5 * 18-23 & 43-45; col. 9, lines 29-33), and wherein the enhanced content data includes triggers (commands) and announcements (pages with messages) to synchronize the digital broadcast signal content with content on a display (col. 7, line 66-col. 8, line 6; col. 5, lines 15-20 & 43-46);

processing the digital broadcast signal to extract the enhanced content data (col. 7, lines 34-36; col. 4, lines 51-54);

storing the enhanced content data in a web browser cache (local data storage 80 – fig. 8) (col. 7, lines 37-38; col. 4, lines 54-55; col. 8, lines 15-24; col. 11, lines 42-51; col. 13, lines 4-15; col. 16, lines 14-15; in which the PCTV 35 –fig. 9D stores/caches web pages that are browsed by/served to the associated data display and request input devices 200/clients);

interrogating the web browser cache with an application program interface (driver) (col. 11, lines 46-54; col. 7, lines 54-56; col. 8, lines 55-58);

providing the enhanced content data to a personal web server (proxy server 404 – fig. 8) responsive to the application program interface interrogating the web browser cache (col. 8, lines 18-24; col. 11, lines 50-57; col. 13, lines 3-6 & 13-15);

storing the enhanced content data in the personal web server (col. 11, lines 50-51; col. 13, lines 3-8); and

providing the enhanced content data stored in the personal web server to at least one client device (200 – fig. 9D) (col. 11, line 65-col.12, line 10; col. 11, lines 1-34; fig. 7; col. 16, lines 15-18).

Regarding claims 7, 16 and 26, Harrison teaches the client device is a second computer (col. 11, lines 4-37).

Regarding claims 8, 17 and 27, Harrison teaches the client device is an interactive tablet (col. 11, lines 22-37; Examiner broadly interprets an interactive tablet to be a flat hand-held display device that uses a graphical user-interface and a stylus).

Regarding claims 19 and 29, Harrison teaches the client device is a remote control device (200 – fig. 9D) with a display panel (col., lines 11-17 & 18-20 & 29-34; Examiner broadly interprets “remote control” to be a removable, wireless, or electronically tethered, i.e., remotely connected via some network, e.g., RF, Ethernet, etc., device used to input commands into a system which reads on Harrison’s input device 200).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

a. Claims 2-6, 11-15, and 21-25 are rejected under 35 U.S.C. 103(a) as being obvious over Harrison et al. (US 6,249,914 B1) in view of Blackketter et al. (US 6,938,270 B2).

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

In regards to claims 2, 11 and 21, Harrison teaches:

instantiating a trigger synchronization server (real time trigger 76 – fig. 8) in the first computer (col. 7, lines 66-col. 8, line 8);

instantiating a trigger synchronization client (web browser) in a client device wherein a synchronized web page on the personal web server is loaded to the client device (col. 8, lines 20-24; col. 9, lines 27-30)

extracting content triggers from the enhanced content data (col. 9, lines 59-col. 10, line 2; col. 7, line 34-36);

providing the content triggers to the synchronization server and receiving the content triggers to the trigger synchronization server (col. 7, lines 57-67);

providing the content triggers to the trigger synchronization client through a network and receiving the content triggers to the trigger synchronization client through a network (col. 10, lines 65-col. 11, line 10; col. 12, lines 7-9).

Harrison further teaches using scripts to trigger/synchronize the associated data displayed when certain television programs, e.g., advertisements, start (col. 5, lines 18-25 & lines 38-46) and also inserting the associated data into the VBI (col. 6, lines 15-20).

However, Harrison fails to disclose an object in the synchronized web page.

In an analogous art Blackketter teaches an object (synchronized objects, e.g., stocks, weather and score objects, etc., 426, 432, 434, 442 – fig. 4) in the synchronized web page (405-408 – fig. 4) (col. 4, line 47-col.5, line 9; col. 7, lines 34-36; col. 8, lines 5-12) for the purpose of updating user specified real-time information (col. 5, lines 7-9; col. 6, lines 3-5; col. 6, lines 56-60).

It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the system of Harrison to include an object in the synchronized web page as taught by Blackketter for the added advantage of increasing the functionality of the associated data by providing updated scripts (Blackketter – col. 5, lines 7-9) and increasing user customizability by providing updated user preferred information (Blackketter – col. 6, lines 3-5).

In regards to claims 3, 12, and 22, Harrison teaches the personal web server is simultaneously providing enhanced content data stored in the personal web server to a plurality of client devices (plurality of 200 – fig. 9D) (col. 16, lines 15-24; col. 10, lines 64-65) and the trigger synchronization server is providing content triggers to at least one trigger synchronization client (col. 7, line 57-col. 8, line 6).

In regards to claims 4, 13 and 23, Harrison teaches the client device is receiving the triggers wherein the content triggers update the trigger synchronization client to be displaying information synchronized to the digital broadcast signal on the client device (col. 9, lines 59-66).

In regards to claims 5, 6, 14, 15, 24 and 25, Harrison teaches the trigger synchronization server is providing triggers to a network (Ethernet) connection by multicasting datagram (Ethernet/IP) packets to sockets (of the clients 200, for updating

the web page) using a transmission (Ethernet/IP) protocol (col. 11, lines 8-11; col. 12, lines 45-46).

5. Claims 9, 18 and 28 are rejected under 35 U.S.C. 103(a) as being obvious over Harrison et al. (US 6,249,914 B1) in view of Ellis et al. (US 2005/0028208 A1).

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

In regards to claims 9, 18 and 28, Harrison teaches a broad category of devices (fig. 7) known in the art that can be connected to the PC/TV 35- fig. 9D as clients.

However, Harrison fails to specifically disclose the client device is a personal digital assistant.

In an analogous art Ellis discloses an interactive server/client home network that uses web pages to communicate information to client devices (par. 71, 110 & 93). Ellis further discloses the client device is a personal digital assistant (PDA - fig. 5) because it is a suitable computer based remote access device (par. 92, lines 1-9).

It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the system of Harrison to include the client device is a personal digital assistant as taught by Ellis because the use of PDAs as clients is well known in the art and for the added advantages of increasing the utility of the system to the user by a device that can organize personal data and is capable of synchronizing information with other computers (Ellis - par. 92-93).

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clyde H. Jones III whose telephone number is 571-272-5946. The examiner can normally be reached on 9-5:30 p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Note to Applicant

Art Units 2611, 2614 and 2617 have changed to 2623. Please make all future correspondence indicate the new designation 2623.

CJ



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